



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HOSSAINY, Syed F. A., et al.

Group Art Unit: 1615

Serial No.: 10/751,289

Examiner: Rosenthal, Casey S.

Filed: January 2, 2004

**For: COATING FOR IMPLANTABLE
MEDICAL DEVICES AND A
METHOD OF FORMING THE
SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Examiner Rosenthal:

With regard to the Restriction Requirement mailed December 30, 2004, please take the following actions and consider the remarks below.

Restriction requirement

The examiner has required applicants to elect from among 17 in the examiner's opinion separate and distinct inventions:

Group I: claim 40, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a drug; and a primer region comprising polyisocyanates, classified in class 424, subclass 422;

Group II: claim 41, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a drug; and a primer region comprising unsaturated polymers, classified in class 424, subclass 422;

Group III: claim 42, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a drug; and a primer region comprising high amine content polymers, classified in class 424, subclass 422;

Group IV: claim 43, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a drug; and a primer region comprising acrylates polymers, classified in class 424, subclass 422;

Group V: claim 44, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a drug; and a primer region comprising polymers containing hydrogen bonding groups, classified in class 424, subclass 422;

Group VI: claim 45, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a drug; and a primer region comprising inorganic polymers, classified in class 424, subclass 422;

Group VII: claims 46 - 48, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a drug; and a primer region comprising silane coupling agents, titanates or zirconates, classified in class 424, subclass 422;

Group VIII: claims 51 - 52, drawn to an implantable device comprising a substrate having a surface which includes a chromium oxide layer; a primer layer including a polymer; and a reservoir layer comprising a polymer and a drug classified in class 424, subclass 422;

Group IX: claim 53, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a polymer and a drug; and a primer region comprising unsaturated polymers, classified in class 424, subclass 422;

Group X: claim 55, drawn to a stent comprising a coating, wherein the coating comprises: a reservoir region comprising a drug; and a primer region including polyisocyanates, classified in class 604, subclass 1+;

Group XI: claim 56, drawn to a stent comprising a coating, wherein the coating comprises: a reservoir region comprising a drug; and a primer region including unsaturated polymers, classified in class 604, subclass 1+;

Group XII: claim 57, drawn to a stent comprising a coating, wherein the coating comprises: a reservoir region comprising a drug; and a primer region including high amine content polymers, classified in class 604, subclass 1+;

Group XIII: claim 58, drawn to a stent comprising a coating, wherein the coating comprises: a reservoir region comprising a drug; and a primer region including acrylates, classified in class 604, subclass 1+;

Group XIV: claim 59, drawn to a stent comprising a coating, wherein the coating comprises: a reservoir region comprising a drug; and a primer region including polymers containing hydrogen bonding groups, classified in class 604, subclass 1+;

Group XV: claim 61 (it is assumed that the examiner meant claim 60 here based on a comparison of the language of the claims with that of this restriction), drawn to a stent comprising a coating, wherein the coating comprises: a reservoir region comprising a drug; and a primer region including inorganic polymers, classified in class 604, subclass 1+;

Group XVI: claims 62 – 64 (it is assumed that the examiner meant claims 62 – 63 based on a comparison of the language of the claims with that of this restriction), drawn to a stent comprising a coating, wherein the coating comprises: a reservoir region comprising a drug; and a primer region including silane coupling agents, titanates or zirconates; and,

Group XVII: claim 64, drawn to a stent comprising: a substrate having oxide, anionic or hydroxyl moieties or groups; a primer region including a polymer; and a reservoir region comprising a drug, classified in class 604, subclass 1+.

Applicants traverse.

Applicants' election

While traversing the overall restriction, applicants elect **Group II: claim 41**, drawn to an implantable device comprising a coating, wherein the coating comprises a reservoir region comprising a drug; and a primer region comprising unsaturated polymers, classified in class 424, subclass 422. Based on a conversation with the examiner, it is understood that when the elected group is found allowable, then claim 37, on which claim 41 depends and which is not mentioned at all among the restriction groups, will be examined and if found allowable the restriction of claims 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50, all of which depend ultimately from claim 37, will be withdrawn and all these claims will be examined in the instant application.